

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 12-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON AMENDING BMC 1.12.010 AND CHAPTER 13.35 BMC TO IMPROVE THE ENFORCEMENT AND ADMINISTRATION OF CITY RIGHT OF WAY PERMITS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, a review of the City’s Municipal Code recently identified that various chapters of Title 13 had been updated to transfer enforcement of the provisions to the City’s consolidated Code Enforcement Chapter BMC 1.12; and

WHEREAS, the updating Ordinance #08-17 failed to amend BMC 1.12 to include applicability of this Title; and

WHEREAS, in order to correct this error the City Council desires to amend BMC 1.12.010 to add Title 13 to the provisions for which the Chapter is applicable; and

WHEREAS, amendments to Chapter 13.35 BMC are also necessary to enhance the enforcement and administration of the City’s right of way permitting process,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12.010 of the Buckley Municipal Code entitled “Applicability of Chapter” is hereby amended to read as follows:

1.12.010 Applicability of chapter.

The provisions of this chapter shall apply to enforcement of BMC Titles 4, 6, 8, 9, 10, 11 (Chapter 11.44 BMC), 12 (Chapter 12.12 BMC), 13, 14, 15, 16, 17, 18, and 19. For purposes of this chapter, such titles and chapters shall be referred to as “the applicable chapters and titles of this code.”

Section 2. A new subsection 13.35.050(9) is hereby added to the Buckley Municipal Code as follows:

(9) Add conditions to right of way permits as necessary to assure that liability to the City is minimized, that damage to the right of way is minimized and that City right of way will be readily available for public use at minimal expense to the City when such use is determined necessary by the City Council.

Section 3. A new section 13.35.085 is hereby added to the Buckley Municipal Code to provide as follows:

13.35.085 City Council Revocation of Right of Way Permits

All right of way permits issued pursuant to this chapter shall be subject to revocation by the City Council at any time that the City Council determines that revocation is necessary for public use of the right of way or revocation is necessary for the public interest. If right of way permit holders choose to make improvements within City right of way as authorized by a right of way permit, they do so completely at their own risk and shall not be entitled to any compensation should the permit be revoked prior to its expiration. The City Council shall provide reasonable prior notice of the revocation to the extent circumstances reasonably permit. Council revocation of right of way permits is not subject to the requirements of BMC 13.35.280.

Section 4. BMC 13.35.230(1) is amended to provide as follows:

13.35.230 Insurance.

Before any permit is granted to any person, firm or corporation, for the work within or use of the right-of-way, such person, firm or corporation shall secure and deliver to the City and file with the Director a copy of comprehensive general liability insurance with terms and conditions set by the Director as found necessary to protect the City from liability.

Section 5. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance.

Section 6. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Passed by the City Council on the 23rd day of May, 2017.



Mayor Pat Johnson

ATTEST:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: May 31, 2017

EFFECTIVE: June 5, 2017